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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,716	11/13/2000	Stefano Faccin	017.38783X00	4655

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EXAMINER	
BEAMER, TEMICA M	

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/709,716	FACCIN ET AL.	
	Examiner	Art Unit	
	Temica M. Beamer	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29,33-53,55-57 and 60-67* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29,33-53,55-57 and 60-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11, 13, 14, 20-29, 33-37, 40-42, 47-53, 55-57 and 60-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Sheynblat et al (Shenblat), U.S. Patent No. 6,677,894.

Regarding claims 1, 33, 61 and 67, Shenyblat discloses a method of providing location-based services for a call in a packet switched wireless communications network, the method comprising the steps of sending a request to setup a communication channel from a first network element to a second network element, said request having an indication in said request indicating that the communication channel will be used for transferring a call which requires location-based services (col. 15, lines 1-39, col. 16, lines 6-59 and col. 21, line 57-.col. 22, line 14).

Regarding claim 2, Shenyblat discloses a method as recited in claim 1, wherein said first network element contacts a local entity which is capable of handling set calls (col. 15, lines 1-39).

Regarding claim 3, Shenyblat discloses the method as recited in claim 2, further comprising the step of inherently returning an accept message from said second network element to said first network element said accept message acknowledging said request and providing the address of an entity handling said call (col. 16, lines 6-32).

Regarding claim 4, Shenyblat discloses the method as recited in claim 2 or 3, further comprising the step of transferring said call to said entity (col. 6, lines 35-37).

Regarding claim 5, Shenyblat discloses the method recited in claim 4, wherein said second network element selects a third network element according to said indication in said request (col. 15, lines 29-39).

Regarding claim 6, Shenyblat discloses the method recited in claim 5, wherein data traffic on said communication channel is filtered according to filtering information (priority information) set by said second network element or said third network element (col. 12, lines 45-56).

Regarding claim 7, Shenyblat discloses the method recited in claim 4, wherein the second network element sends a request to start location measuring when receiving said request from said first network element (col. 15, lines 29-39).

Regarding claim 8, Shenyblat discloses the method recited in claim 7, wherein the request is a SM Service Request (col. 16, lines 6-32).

Regarding claim 9, Shenyblat discloses the method recited in claim 4, wherein said second network element sends a request to setup said communication channel to a third network element (col. 21, line 57-col. 22, line 14).

Regarding claim 10, Shenyblat discloses the method recited in claim 9, wherein said third network client gets a traffic flow template (TFT) as filtering information in response to said request to setup said communication channel (col. 12, lines 45-56).

Regarding claim 11, Shenyblat discloses the method recited in claim 10, wherein said third network element is a Gateway GPRS Support Node (GGSN) (col. 13, lines 4-21).

Regarding claim 13, Shenyblat discloses the method recited in claim 4, wherein said second network element is an Internet GPRS Service Node (IGSN) which sets a traffic flow template (TFT) as filtering information in response to said request to setup said communication channel (col. 12, lines 45-56, col. 16, line 60-col. 17, line 23).

Regarding claim 14, Shenyblat discloses the method recited in claim 4, wherein a parameter in said request is used to indicate that said communication channel will be used for transferring an emergency call (col. 12, lines 45-56, col. 21, line 57-col. 22, line 14).

Regarding claim 20, Shenyblat discloses the method recited in claim 4, wherein said fast network element sends location information to said entity handling said call (col. 12, lines 46-56).

Regarding claim 21, Shenyblat discloses the method of claim 20, wherein said location information is Service Area Identification (SAI), Routing Area Identity (RAI), Cell –ID coordinate information or any combination of these (col. 16, lines 6-31).

Regarding claim 22, Shenyblat discloses the method recited in claim 4 wherein said second network element sends location information to said entity handling said call (col. 6, lines 6-31, col. 15, lines 29-39).

Regarding claim 23, Shenyblat discloses the method recited in claim 4 wherein said entity handling said call may request location information from a location calculation entity (col. 15, lines 29-39, col. 16, lines 6-31).

Regarding claim 24, Shenyblat discloses the method recited in claim 4 wherein said location calculating entity is a Radio Network Controller (RNC) (col. 15, lines 29-39, col. 16, lines 6-31).

Regarding claim 25, Shenyblat discloses the method recited in claim 14, wherein a first network element generates said request message and includes said parameter in said request message (col. 12, lines 45-56, col. 21, line 57-col. 22, line 14, col. 16, lines 6-32).

Regarding claim 26, Shenyblat discloses the method recited in claim 3, wherein said entity handling said call comprises a Call State Control Function (CSCF) or a Public Safety Answering Point (PSAP) (col. 16, lines 54-59).

Regarding claim 27, Shenyblat discloses the method recited in claim 3, wherein said first isetwork element sends a request to setup a secure communication channel for signaling prior to said request to setup said communication channel indicating that said call is a call requiring location-based services (col. 16, lines 6-32).

Regarding claim 28, Shenyblat discloses the method recited in claim 27, wherein said request to setup a secure communication channel for signaling is an SM Service Request (col. 16, lines 6-32).

Regarding claim 29, Shenyblat discloses the method recited in claim 28, wherein the second network element sends a request to initiate location measuring in response to said request to setup secure communication channel for signaling (col. 15, lines 29-39).

Regarding claim 34, Shenyblat discloses the method of according to claim 33, wherein the first network element sends a second request to activate a communication connection to a fourth network element (SGSN) in the radio access network the request including an indication that the communication connection is for emergency call (col. 12, lines 45-56, col. 16, lines 6-59).

Regarding claim 35, Shenyblat discloses amethod according to claim 34, wherein the location information is provided in a RRC message (col. 16, lines 6-33).

Regarding claim 36, Shenyblat discloses a method according to claim 34, wherein the location information is broadcasted to the first network element (UE) (col. 16, lines 28-35).

Regarding claim 37, Shenyblat discloses a method according to of claim 33, wherein the location information is forwarded to the second a fourth network element from the second network element in the radio access network (RAN), the fourth network element (SGSN) sending the location information in an acceptance message to the

second request to activate the communication connection for the first network element before said request to set up a call (col. 16, lines 6-32).

Regarding claim 40, Shenyblat discloses a method of according to claim 33, wherein the location information is provided to the first network element as a part of a positioning method (col. 9, lines 44-64).

Regarding claim 41, Shenyblat discloses a method according to claim 33, comprising a further step of selecting an entity (PSAP) handling emergency calls in the packet switched network based at least in part, on the said location information included in the said request (col. 12, lines 29-59).

Regarding claim 42, Shenyblat discloses a method according to of claim 33, wherein the call is an emergency call (col. 12, lines 44-56).

Regarding claim 47, Shenyblat discloses the method according to claim 33, wherein said third network element is a call state control function PSAP (col. 15, lines 29-39).

Regarding claim 48, Shenyblat discloses the method recited in claim 42, further comprising the step of returning an accept message in response to a request for an emergency call from the fourth network element, said accept message acknowledging said request and providing the address of said third network clement (col. 16, lines 6-32).

Regarding claim 49, Shenyblat discloses the method recited in claim 41, further comprising the step of transferring said emergency call to said selected entity (col. 15, lines 29-39).

Regarding claim 50, Shenyblat discloses the method recited in claim 33, wherein the second fourth network element (SGSN) indicates to the radio access network to start a positioning method in order to get a location elates estimate in response to receiving said second request from said first network element (col. 16, lines 6-32).

Regarding claim 51, Shenyblat discloses the method recited in claim 37, wherein said second network element requests the location information from the radio access network corresponding to the mile -term first network element in response to receiving said request for an emergency call from said first network element (col. 16, lines 6-32).

Regarding claim 52, Shenyblat discloses the method recited in claim 50, wherein the location estimate obtained by said positioning method is provided to a Gateway Mobile Location (col. 6, lines 6-32).

Regarding claim 53, Shenyblat discloses the method recited in claim 51, wherein said selected PSAP entity handling emeraency calls obtains said location estimate from said Gateway Mobile Location Centre (GMLC) (col. 16, lines 39-59).

Regarding claim 55, Shenyblat the method recited in claim 53, wherein the emergancy call is identified using an assigned phone number when said selected entity handling emergency calls obtains said location estimate from said Gateway Mobile Location Center (GMLC) (col. 16, lines 39-59).

Regarding claim 56, Shenyblat discloses the method recited in claim 50 wherein the positioning method is performed in the first network element (col. 16, lines 6-11).

Regarding claim 57, Shenyblat discloses the method recited in claim 33, wherein the first network element LM requests that a positioning method be started at the same

time that it sends the call setup request. and wherein the first network element is a user equipment said location information being Service Area Identification, Routing Area Identity (RAI), Cell ID, coordinate information or any combination of these (col. 16, lines 6-32).

Regarding claim 60, Shenyblat discloses the method according to claim 33, wherein the said location information is Service Area Identification (SAI), Routing Area Identity (RAI), Cell -ID , coordinate information or any combination of these (col. 16, lines 6-32).

Regarding claim 62, Shenyblat discloses a packet switched wireless communication network according to claim 61, wherein said second network element is a Public Safety Answering Point (PSAP) (col. 16, lines 54-59).

Regarding claim 63, Shenyblat discloses a packet switched wireless communication network according to claim 62, wherein said first network element receives said Serving Area ID and forwards said Service Area ID to said mobile the user equipment (col. 16, lines 6-32).

Regarding claim 64, Shenyblat discloses a packet switched wireless communication network according to claim 63, further comprising a call control entity receiving said Service Area ID in an emergency call setup request from mobile user equipment (col. 16, lines 6-32).

Regarding claim 65, Shenyblat discloses a packet switched wireless communication network according to claim 64, wherein! said call control entity has a database identifying a plurality of Public Safety Answering Points (PSAPS) and

corresponding said plurality of Public Safety Answering Point with Service Area IDs (col. 6, lines 30-46).

Regarding claim 66, Shenyblat discloses a packet switched wireless communication network according to claim 64, wherein.said call control entity selects a Public Safety Answering Point based, at least in part, on said Service Area ID (col. 21, line 57-col. 22, line 14; figure 12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 15-19 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shenyblat in view of well known prior art.

Regarding claims 15-19 and 43-46, Shenyblat discloses the method of providing location based services for a call in a packet switched system as described above.

Shenyblat, however, fails to disclose the limitations of claims 15-19 and 43-46 as described.

The examiner contends, however, that such features are well known in the packet/Internet technology and the examiner takes official notice as such.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Shenyblat with the teachings of well known prior art since such techniques and parameters are widely used in the cellular environment.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chiang et al, U.S. Patent No. 6,741,863.

Antonucci et al, U.S. Patent No. 6,819,929.

Pande et al, U.S. Patent No. 6,703,971.

Walsh et al, U.S. Pub. No. 2004/0033795.

Fraccaroli, U.S. Pub. No. 2004/0002348.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer
Primary Examiner
Art Unit 2681

December 13, 2004